IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23020 of 2007(M)

PETITIONER:

PRADEEP ANANDATH, PRESIDENT,
ATHIPATTA DESA COMMITTEE, ALATHUR TALUK,
PALAKKAD DISTRICT, RESIDING AT ANANDATH HOUSE,
ATHIPATTA POST, ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:
----

1. THE COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE,
ENDOWMENTS (HR & CE), KOZHIKODE.

2. THE DEPUTY COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (HR&CE),
CIVIL STATION, KOZHIKODE.

3. STATE OF KERALA - REPRESENTED BY
SECRETARY TO GOVERNMENT, DEVASWOMS,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

4. THE EXECUTIVE OFFICER,
SREE MANGOTTU KAVU BHAGAVATHY TEMPLE,
ATHIPATTA, ALATHUR TALUK, PALAKKAD DISTRICT.

5. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTI CORRUPTION BUREAU, PALAKKAD.

6. LAKSHMI NARAYANAN,
KEEZHSANTHI (POOJARI), SREE MANGOTTU KAVU
DEVASWOM, P.O.ATHIPOTTA, ALATHUR, PALAKKAD DIST.

7. A.V.RAJAGOPALAN, S/O. S.V.SANKARA WARRIER, CLERK, SREE MANGOTTU KAVU DEVASWOM, P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

8. NARAYANANKUTTY M., CLERK, SREE MANGOTTU KAVU DEVASWOM, P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

9. SUBASH N., CLERK, SREE MANGOTTU KAVU DEVASWOM, P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

10. HARIDAS P., ATTENDER, SREE MANGOTTU KAVU DEVASWOM, P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

11. MURALEEDHARAN K.V., LAMP HOLDER, SREE MANGOTTU KAVU DEVASWOM, P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

12. SHRI. SANKARAN, DRUMMER, SREE MANGOTTU KAVU DEVASWOM, P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

BY GOVERNMENT PLEADER SRI.K.SANDESH RAJA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

==========

W.P(C). NO.23020 OF 2007

==========

Dated this the 27th day of July, 2007

J U D G M E N T

Radhakrishnan, J.

This writ petition is filed seeking a writ of certiorari to quash Ext.P16 interim order passed by the Deputy Commissioner in OA 17/07. In Ext.P16 order, the Deputy Commissioner has stayed the order dated 27/6/2007 issued by the Executive Officer, which is Ext.P11 order. Since the matter is seized before the Deputy Commissioner, counsel appearing for the petitioner submitted that the Deputy Commissioner has no jurisdiction to entertain that appeal. We are of the view that the matter can be decided by the Deputy Commissioner. Petitioner has also filed Ext.P5 complaint before the 5th respondent and the same is pending, which shall be taken note of. Commissioner and Deputy Commissioner shall take note of the interest of the Devaswoms and welfare of devotees.

With the above observation, this writ petition is disposed of.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp